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May 22, 2008

By ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, N.Y. 10007

Re: United States v. Albir Alkhabbaz
04 Cr. 1379 (S-2) (LAP)
07 Cr. 1014 (LAP)

Dear Judge Preska:

I represent Albir Alkhabbaz on appeal in United States v. Alkhabbaz, 04 Cr. 1379 (S-2) (LAP) (hereinafter, "Alkhabbaz 1"). In preparing Mr. Alkhabbaz's appeal I have been informed that there are significant differences between the Pre-Sentence Report ("PSR") prepared for Alkhabbaz 1 as compared to the PSR prepared for his subsequent offense for failure to surrender (charged separately as 07 Cr. 1014 [LAP] [hereinafter, "Alkhabbaz 2"]). Specifically, I have been informed that the description of the underlying conduct for which he was convicted in Alkhabbaz 1, is materially different than the description of the same conduct when discussed in the PSR produced before sentencing in Alkhabbaz 2.

In order to effectively represent Mr. Alkhabbaz on appeal in Alkhabbaz 1, as well as to determine whether a petition pursuant to 28 U.S.C. § 2255 will also need to be filed, I respectfully request that this Court unseal Mr. Alkhabbaz's PSRs in both cases so that I may rely upon the PSRs as necessary during Defendant's appeal and/or habeas petition.

I have spoken with Assistant United States Attorney Joseph Facciponti, as well as Mr. Alkhabbaz's counsel in Alkhabbaz 2, and all parties consent to the instant request.

Respectfully submitted,



Michael K. Bachrach

MKB/mb

cc: All counsel of record (by ECF)